

REMARKS

Introduction

Claims 1, 3-4, 8-9 and 11-12 are pending in this application. By this Response, claims 3 and 9 have been amended to overcome formality issues. The Amendments made are fully supported by the specification as originally filed. No new matter has been introduced. Since the amendment made in this Response addresses only formality issues without raising any new issues for consideration, the Applicants respectfully request that the amendment be entered.

Reconsideration of this application for allowance of all pending claims are hereby respectfully requested in view of the amendments to the claims and the following remarks.

Claims Objections

Claims 3 and 9 have been objected to because of informalities. Accordingly, Applicants have amended claims 3 and 9 in order to correct the informalities and respectfully request withdrawal of the objection.

Rejection under 35 U.S.C. §103(a)

Claims 1, 3-4, 8-9 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Magee et al. (USP 5,835,493, hereafter “Magee”) in further view of Zhang et al. (USP 6,483,543, hereafter “Zhang”). Applicant respectfully traverses the rejection.

In each of the independent claims 1, 4, 8, and 9, it is recited that the “time of receipt of a TS packet ... in the third TS packet string is made to match the first time of receipt, and the time of receipt of a TS packet of the second TS packet string is made to match the second time of receipt”. The Examiner asserted that this feature was taught by Magee. The Applicants respectfully disagree. The Examiner directed Applicants’ attention to Magee, Column 14, lines

23-26 and Column 14, line 66 to Column 15, line 32. It is noted that, in accordance with the instant disclosure, the third TS packet string is a bit rate converted packet string (see claim language “converting a bit rate of the first TS packet string so as to produce a third TS packet string”). The Examiner previously conceded that Magee does not teach bit rate conversion of a compressed stream (see page 5 of the Final Office Action). Based on the portions cited by the Examiner, the Applicants respectfully submit, that Magee does not teach matching the receipt time of a bit rate converted packet string with the receipt time of its corresponding unconverted packet string. Magee merely discloses modifying or correcting PCR to compensate the delay “incurred by the transport packets while enqueued in the DM FIFO.” (see Magee, Column 14, lines 23-26). That is, Magee does not teach “time of receipt of a TS packet ... in the third TS packet string is made to match the first time of receipt, and the time of receipt of a TS packet of the second TS packet string is made to match the second time of receipt”, as recited in claims 1, 4, 8, and 9. The Examiner relied on the combination of Magee and Zhang to make the 103 rejection. The Applicants respectfully submit that the combination will not cure this deficiency, either as Zhang also fails to disclose or suggest this element.

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claims 1, 4, 8, and 9 because the proposed combination fails the

"all the claim limitations" standard required under § 103. Therefore, the Applicants respectfully request that rejection of claims 1, 4, 8, and 9 under 35 U.S.C. §103(a) be withdrawn.

Claims 3 and 11 depend from claims 1 and 9, respectively. Therefore, claims 3 and 11 are not obvious over Magee in view of Zhang for at least the same reasons as discussed above with respect to claims 1 and 9 and for the additional features recited therein. Therefore, the Applicants respectfully request that rejection of claims 3 and 11 under 35 U.S.C. §103(a) be withdrawn.

Claim 12 has been rejected under 35 U.S.C. §103(a) as being unpatentable over the combination as applied to claims above, and further in view of Slattery et al. (U.S. Patent No. 6,148,082, hereafter "Slattery"). The Applicants respectfully traverse.

As discussed above, claim 1 is not obvious over Magee in view of Zhang. The introduction of Slattery, according to the Examiner, is to cure the deficiency that a packet identifier is determined based on a bit rate of a transport stream. Without arguing whether Slattery teaches that feature, the Applicants respectfully submit that Slattery does not teach "time of receipt of a TS packet ... in the third TS packet string is made to match the first time of receipt, and the time of receipt of a TS packet of the second TS packet string is made to match the second time of receipt", as recited in claim 1. According to the same legal standard for a prima facie case of obviousness, claim 1 is not obvious over Magee in view of Zhang and further in view of Slattery. Claim 12 depends from claim 1. Therefore, claim 12 is not obvious with respect to the same combination for at least the same reasons stated above with respect to claim 1 and for additional features recited therein. Therefore, the Applicants respectfully request that rejection of claim 12 under 35 U.S.C. 103(a) be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicant submits that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michael E. Fogarty
Registration No. 36,139

**Please recognize our Customer No. 53080
as our correspondence address.**

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF:QH/ilg
Facsimile: 202.756.8087
Date: March 3, 2008
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